

Derek W. Loeser (admitted *pro hac vice*)  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com

Lesley E. Weaver (SBN 191305)  
BLEICHMAR FONTI & AULD LLP  
1330 Broadway, Suite 630  
Oakland, California 94612  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com

*Plaintiffs' Co-Lead Counsel*

*Additional counsel listed on signature page*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**PLAINTIFFS' OPPOSITION TO THIRD  
PARTY PLAINTIFF'S MEMORANDUM  
OF LAW IN TRAVERSE TO  
PLAINTIFFS' OPPOSITION TO  
COMPLAINT-REQUEST TO  
INTERVENE AS A THIRD-PARTY  
PLAINTIFF**

Judge: Hon. Vince Chhabria  
Courtroom: 4, 17th Floor

Last month, Jerome Clarke filed a “Complaint-Request to Intervene as [a] Third Party Plaintiff.” Compl.-Req. to Intervene as Third-Party Pl. at 1 (Dkt. No. 1222). After the deadline for a reply passed on May 26, *see* Fed. R. Civ. P. 6(d); Civil L.R. 7-3(c), the Court denied Mr. Clarke’s motion, Order Denying Mot. to Intervene (Dkt. No. 1229).

Mr. Clarke has now filed a paper, postmarked May 28 and filed June 2, that is titled “Memorandum of Law in Traverse to Plaintiffs’ Opposition to Complaint-Request to Intervene as a Third-Party Plaintiff” (“Clarke Mem.”) (Dkt. No. 1230). This paper appears to seek the same relief as Mr. Clarke’s earlier filing, so it is best construed as a motion for leave to file a motion for reconsideration under Local Civil Rule 7-9. Because that rule is not satisfied by even a liberal reading of Mr. Clarke’s filing, the motion should be denied.

To the extent Mr. Clarke asserts that he has been denied due process because he did not receive actual notice of the settlement, *see* Clarke Mem. at 3, that is incorrect because the best practicable notice was directed to the class. *Schneider v. Chipotle Mex. Grill, Inc.*, 336 F.R.D. 588, 596 (N.D. Cal. 2020) (citing *Silber v. Mabon*, 18 F.3d 1449, 1454 (9th Cir. 1994)). Mr. Clarke also contends that his claims are not moot. *See* Clarke Mem. at 4–5. However, his motion to intervene was denied not on mootness grounds, but because it was untimely. This new filing does not alter that conclusion.

For these reasons, Mr. Clarke’s filing, construed as a motion under Civil Local Rule 7-9, should be denied.

Dated: June 5, 2025

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser  
Derek W. Loeser

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Derek W. Loeser (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
Benjamin Gould (SBN 250630)  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Joshua D. Samra (SBN 313050)  
1330 Broadway, Suite 630  
Oakland, California 94612

Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
clausenberga@kellerrohrback.com  
bgould@kellerrohrback.com

Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
jsamra@bfalaw.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496  
Fax: (805) 456-1497  
cspringer@kellerrohrback.com

*Plaintiffs' Co-Lead Counsel*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Derek W. Loeser, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of June, 2025, at Seattle, Washington.

/s/ Derek W. Loeser

Derek W. Loeser

**CERTIFICATE OF SERVICE**

I, Sarah Skaggs, hereby certify that on June 5, 2025, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

In addition, on June 5, 2025, I caused the foregoing to be transmitted to Jerome Clarke via U.S. Mail (Priority Mail Express) at the following address (see Dkt. 1223):

Mr. Jerome Clarke, GDC #84959  
Clayton Transitional Center  
P.O. Box 16158  
Atlanta, GA 30321

/s/ Sarah Skaggs

Sarah Skaggs